

Serial No.: 09/738,801

Attorney Docket No.: 00P9081US

REMARKS

Claims 1-22 are pending.

Claims 1-7 and 9-22 were rejected under 35 U.S.C. 103 as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge") in view of Liwerant et al., U.S. Patent Publication No. 2005/0246752 ("Liwerant"). Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Budge or Liwerant, either singly or in combination.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until the user clicks or pushes the button again. The Web Access Device processor then activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file as an attachment to the e-mail. The video attachment may then be sent, without necessitating, for example, an accompanying transmission of a video player, from the sender to the recipient.

In contrast, as discussed above and in response to the previous Official Action, Budge appears to require the user to access (LOAD) a video file and then manually activate the MAIL button 670. Presumably, then, the user must manually attach the file. Contrary to the suggestion in the Official Action, Budge does not teach the recited "deactivate signal." Instead, Budge merely states at Col. 6, lines 15-16, that "[t]he mail button 670 is pressed to immediately send a *recorded* message. (emphasis provided)." Thus, the message has already been recorded; there is therefore nothing to deactivate. If, indeed, the Patent Office's reading were correct, Budge would state that the button 670 is pressed to stop recording and send the recorded message. The

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present invention, however, provides for a seamless recording and transmission of a video.

Moreover, Budge does not appear, *inter alia*, to automatically attach, without user interaction, the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files. Indeed, the Patent Office acknowledges that Budge does not provide for "automatically attaching, without user interaction, the video file to an e-mail compose window."

Thus, the Patent Office relies on Liwerant to provide such teaching. However, as discussed in response to the previous Official Action, Liwerant likewise does not provide for automatic attachment of a video file to an e-mail. Liwerant provides a system for uploading a file to a server that may then be accessed from multiple users. While a "number of steps" for uploading a video to a server are automated, in Liwerant, as in Budge, no automatic accessing occurs *in response to the end of clip message or video e-mail signal*. While Liwerant provides a "Share as a video email button" 810, this is a manual operation and, further, in Liwerant, *the video file is never transmitted in an email*. Thus, Liwerant cannot "automatically attach[], without user interaction, the video file to an e-mail compose window."

Instead, Liwerant merely provides for "including an URL reference to the video located on the Videoshare web site [Para. 110]." While Liwerant allows a media player to be embedded in the email, the video must be played from the Videoshare server, not transmitted with the email.

Paragraph 1 of the Official Action states that "Liwerant was merely relied upon to teach automatically launching an email application in response to a signal and attaching the video file to the email without user interaction responsive to the signal. As seen in FIG. 8 and paragraphs 110, 117, and 118. A single press of the 'share this video' button will open the email application and append the video file to an email." Assuming this is true, however, as discussed above, a video file is never appended to an email in

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Liwerant.

Finally, applicant is aware that the Patent Office is using the combination of Budge and Liwerant to reject the claims. However, applicant strongly disagrees that applicant is attacking the references individually. Instead, applicant has provided specific arguments as to why the Patent Office's characterization of the cited art is incorrect and why, therefore, the combination of the flawed references fails to teach, suggest, or imply the present invention. Thus, for example, as acknowledged in the Official Action, Budge does not provide for automatic attaching and, contrary to the Patent Office's reading of Liwerant, Liwerant likewise fails to provide such teaching.

Furthermore, if anything, Liwerant specifically teaches away from combination with Budge. Paragraph 3 of Liwerant, for example, explicitly denigrates attaching a video to an e-mail message because it (a) requires long transmission time; and (b) multiple computer programs; and as such, it is (a) difficult to control the delivery time and (d) difficult to share or forward the received video. Thus, not only does Liwerant not teach automatic attachment of a video to an email, Liwerant teaches that *any* attaching of a video to an email is undesirable.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Budge, Liwerant, and Ludwig et al., U.S. Patent Application Publication No. 2005/0144284 ("Ludwig"). Budge and Liwerant have been discussed above. Ludwig is relied on for allegedly teaching a TV screen. However, like Budge and Liwerant, Ludwig does not appear to automatically open an e-mail window or attach the video file. On page 33, paragraph [0636], Ludwig clearly states "when a user, at 1404, initiates a new e-mail message, the source e-mail system queries, at 1406, whether the user intends to attach a video attachment to the e-mail."

Thus, any attaching occurs with manual selection and manual opening of the – mail application by the user. Thus, if anything, Ludwig is representative of problems

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solved by the present invention, which provides a simplified method for generating and attaching video files to e-mail. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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